

Attorney Docket No.: JMP-0002
Inventors: J. Michael Pitale
Serial No.: 09/516,564
Filing Date: June 6, 2000
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REMARKS

Claim 1 is pending in the instant application. Claim 1 has been rejected. A replacement specification and new claims 1 through 3 are being submitted herewith in response to objections raised in the instant Office Action regarding format of the specification and claims. This replacement specification and new claims 1-3 are entirely supported by the original specification filed and do not constitute new matter. Accordingly, entry of this substitute specification is respectfully requested. Further, reconsideration is respectfully in light of the submission of this substitute specification and the following remarks.

I. Objection to the Specification

In accordance with the Examiner's request, Applicants are submitting herewith a substitute specification inclusive of claims 1-3, Figure 1 and an Abstract at page 8. This substitute specification follows the arrangement outlined by the Examiner and contains only subject matter from the original specification thus meeting the requirements of 37 C.F.R. 1.125(a). Entry of this substitute specification and withdrawal of the objection to the specification is respectfully requested.

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II. Rejection of Claim 1 under 35 U.S.C. § 112, second paragraph

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner suggests that the phrase "or whatever" renders the claim indefinite. Further, the Examiner suggests that the claim is narrative in form and replete with indefinite and functional or operational language.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicant has represented the specification and claimed invention in accordance with the arrangement set forth by the Examiner in this Office Action. The claims as represented do not contain the phrase "or whatever". Further, the claims, now in single sentence form, are no longer narrative in format nor do they contain indefinite, functional or operational language. Thus, withdrawal of this rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

III. Rejection of Claim 1 under 35 U.S.C. § 102(b)

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Eisenberg. The Examiner suggests that Eisenberg

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discloses an ATM machine comprising a computer to receive a PIN, determine if the PIN number is an alert PIN from a user who is under duress and activate an alarm if it is an alert PIN. Further, the Examiner suggests that the system of Eisenberg can require two forms of identification.

Applicants respectfully traverse this rejection.

As made clear in the claims as represented herein, the computer protection system of the present invention, referred to as ATM/ALERT interacts with established software as a traffic controller for most of the already-in-place computer activity. Thus, the present invention is not a new ATM machine such as set forth by Eisenberg et al. but rather a separate system which can be attached to an existing ATM machine or another system requiring security access with established software to interact with the established software to recognize a valid identification, which will then allow a requested action to occur via the established software, or to recognize an alert signal issued by the user who is under duress, which will then activate security measures via the established software.

Since Eisenberg et al. does not teach a separate system with these abilities, it cannot anticipate the claims as now set forth in the substitute specification.

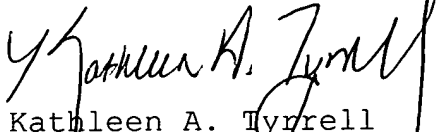
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Withdrawal of this rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

IV. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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